

November 29, 2006

FILED
IN CLERKS OFFICE

U.S. District Court
of Massachusetts
One Court House Way
Boston, MA. 02210
Attn: Clerk Sarah Allison Thornton

2006 DEC -8 P 2:18

U.S. DISTRICT COURT
DISTRICT OF MASS.

Re: Case 05 -11670 G.A.O.
Carroll vs. Carroll et. als.

Dear Clerk Thornton,

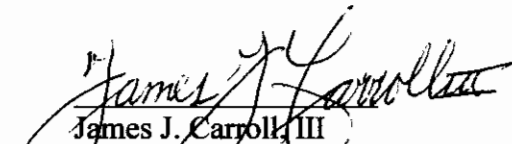
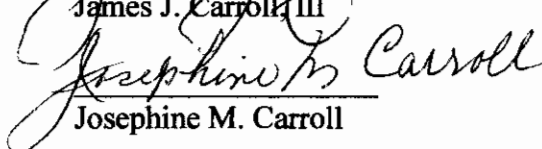
Please find a cover sheet of the record prepared by the U.S. Court of Appeals based upon the record in the above encaptioned case U.S. District Court case. Please note that the record was reviewed, found to be incorrect and reported to the U.S. Court of Appeals as being fatally flawed with mistakes which appear to involve misjoinder of litigants from an unrelated case.

A copy of the the face sheet from the U.S. Appeals Court has been included with a highlighted section showing what defendants are not part of the above encaptioned civil action. Therefore, based on incorrect information as referenced, the record must be corrected and resubmitted to the U.S. Court of Appeals.

It is the contention of the Movant(s) or Plaintiff(s) that these errors are a contributing factor to the prior errors or events leading up to appeal, along with the ongoing delays in justice and the ongoing conflicts. Therefore, a flawed and incorrect or confused record is and has caused irreparable harm further prejudicing the Movant(s) or Plaintiff(s) preventing adequate remedies at law.

Your cooperation in resolving these issues is very much appreciated.

Respectfully Submitted,


James J. Carroll III

Josephine M. Carroll

p.s. please send letter confirming correction.

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

No. 06-2558

JOSEPHINE M. CARROLL

Plaintiff - Appellant

JAMES CARROLL, III

SEE page 2

Plaintiff

v.

JAMES J. CARROLL, JR., individually and in his official capacity and in joint venture; JOANNE CARROLL DEYOUNG, individually and in joint venture; RICHARD BLAIR CARROLL, individually and in joint venture; EILEEN CARROLL, individually and in joint venture; THE LAW FIRM OF CONSTANTINO & MASON, LLC, individually and in joint venture; ROBERT A. CONSTANTINO, individually and in his official capacity and in joint venture; SOPHIA CONSTANTINO, individually and in her official capacity and in joint venture; LAW FIRM OF MURTHA, CULLINA, ROCHE, AND DIGIACOMO, LLC, individually and in their official capacity and in joint venture; JOHN W. GAHAN, III, individually and in his official capacity and in joint venture; KATHY GAHAN, individually and in joint venture; THOMAS VANGEL, individually and in his official capacity and in joint venture; TOWN OF ARLINGTON MASSACHUSETTS BOARD OF SELECTMEN, individually and in their official capacities and in joint venture; CHARLES LYONS, Former Selectman; JOHN W. HURD; KATHLEEN KIELY DIAZ; KEVIN F. GREELEY; DIANE MAHON; ANNIE LACOURT; ROBERT M. MURRAY, former Selectman; BRIAN F. SULLIVAN; Town manager, individually and in his official capacity and in joint venture; JOHN MAHER, Town Counsel, in his official capacity and in joint venture; ARLINGTON MASSACHUSETTS POLICE DEPARTMENT; FREDERICK RYAN, Police Cheif, individually and in his official capacity and in joint venture; DAVID MACNAMEE, individually and in his official capacity and in joint venture; JOHN DOE GREELEY, individually and in his official capacity and in joint venture; JOHN DOE HUGHES, individually and in his official capacity and in joint venture; JOHN DOE FLYNN, individually and in his official capacity and in joint venture; JOHN DOE 1, individually and in his official capacity and in joint venture; JOHN DOE 2, individually and in his official capacity and in joint venture; JOHN DOE 3, individually and in his official capacity and in joint venture; JANE DOE BASSETT, individually and in her official capacity and in joint venture; ARLINGTON FIRE RESCUE OFFICER; JOHN DOE 4, individually and in his official capacity and in joint venture; JAMES GRANITZAS, individually and in his official capacity and in joint venture and doing business as We Haul Legal Movers; RICHARD G. BOYLE, Arlington Constable, individually and in his official capacity and in joint venture; JERROLD LOOMIS, Weymouth Constable, individually and in his official capacity and in joint venture and doing business as Allstate Constables, Inc.; DAVID LANATA, individually and in

his official capacity and in joint venture; LANATA SURVEYING; COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL; THOMAS REILLY, individually and in his official capacity; JAMES DIPAULO, Office of the Middlesex Sheriff, individually and in his official capacity; STEVEN DONNELLY, Deputy Sheriff, individually and in his official capacity and in joint venture; SHERIFF MICHAEL FAYE, individually and in his official capacity and in joint venture; GERRALD BREEN, individually and in his official capacity and in joint venture; JANE DOE, Deputy Sheriff, individually and in her official capacity; DENISE DEYOUNG, Deputy Sheriff, individually and in her official capacity; EVERETT MURRAY, individually and in his official capacity and in joint venture doing business as Triple M Movers; JOHN DOE NUMBER 1, unnamed locksmith; JOHN DOE NUMBER TWO THROUGH SIX, unnamed movers, individually and in their official capacities and joint venture; CHARLENE PHILBRICK, individually and in her official capacity and in joint venture; BRENDAN CALLAHAN, individually and in his official capacity and in joint venture; EAST CAMBRIDGE SAVINGS BANK; KEVIN MULVEY, Attorney; FRANK CAROLAN, Attorney; LOUIS SILVA, Lowell Public School Science Teacher; EILEEN EARLE, Robinson School Middle English Teacher; MICHAEL R. CROWLEY, Assistant Principal; RICHARD D'AROSA, Principal; CHRISTINE D'AROSA; STEVEN D'AROSA; ARMAND MERCIER, Lowell City Mayor; DAVID FENTON, Lowell City Attorney; DANIEL WOJCIK, Lowell City Attorney; POLICE OFFICER JOSE; CHICO; RELATIVE OF WENDY ALICEA; LARRY HICKMAN; MARIE BITONI; BETH BITONI; NORTHEASTERN UNIVERSITY; MIT; HARVARD UNIVERSITY; MARIST COLLEGE; CITY OF LAWRENCE; JAMES SCULLY, Lawrence School Department Superintendent; BILL CAREY, Lawrence High School Principal; CHARLES WALKER, MCAD Commissioner; UNITED TEACHERS OF LOWELL, LOCAL 495, AFT, AFL-CIO; PAUL GEORGES, UTL President; JACK O'BRIEN, UTL Representative; MASSACHUSETTS FEDERATION OF TEACHERS, AFT, AFL-CIO; MFT CHIEF COUNSEL; JOSE HENRIQUES, Landlord; RAMONA MARQUEZ; CARMEN BAEZ; SOMPHAS SIM; CUQUIN BAEZ; ISRAEL CORTEZ; MELISSA ALICEA; JOSE ALICEA; ROSA BRACETTI, a/k/a, Rosa Lopez; OSCAR LOPEZ; HECTOR MARQUEZ; ELIZABETH CZARNIONKA; OTHERS TO BE ADDED SOON]

INCORRECT

Defendants - Appellees

DELETE DEFENDANTS
WITHIN BRACKETS

/MERGED WITH
CASE BY COURT
IN ERROR /

CASE OPENING SCHEDULING NOTICE

Issued: 11/9/06

The above-captioned appeal was docketed in this court today pursuant to Rule 12 of the Federal Rules of Appellate Procedure. This case number and caption should be placed on all papers subsequently submitted to this court, unless the court orders that the caption be amended.

If less than the entire transcript is ordered, appellant must file and serve on all other parties a statement of the issues in accordance with Fed. R. App. P. 10(a)(3)(A). In addition, if the parties are unable to agree as to the contents of the joint appendix, then appellant must file and serve a statement of the issues and designation of the contents of the appendix. Fed. R. App. P. 30(b)(1); Loc. R. 30(b). Upon confirmation by the circuit clerk that the record is complete either because no hearing was held, no

Within 7 days of filing the notice of appeal, appellant must pay the filing fee* to the district clerk. An indigent appellant who seeks to appeal in forma pauperis must file a motion and financial affidavit in the district court in compliance with Fed. R. App. P. 24. Unless this court is provided with notice of paying the filing fee to the clerk of the district court or filing a motion seeking in forma pauperis status on or before fourteen days of the date of this notice, this appeal may be dismissed for lack of prosecution. Loc. R. 3(b).

The enclosed appearance form should be completed and returned immediately by at least one attorney for each side and by any attorney that wishes to file pleadings in this court. Loc. R. 12(a) and 46(a)(2). An attorney who has not been admitted to the Bar of the First Circuit Court of Appeals must submit an application and fee for admission with the appearance form.

Dockets, opinions, rules, forms, attorney admission applications, and the court calendar can be obtained from the court's website, www.ca1.uscourts.gov.

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Richard Cushing Donovan, Clerk

cc: Josephine M. Carroll
James Carroll

* Effective April 9, 2006, the fee for docketing a case on review, or docketing any other proceeding in a court of appeals increased from \$250.00 to \$450.00.
The fee for filing a notice of appeal with the district court increased from \$255.00 to \$455.00.